

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

CHRISTOPHER SEAMAN and ELIZABETH  
ALLISON LYONS, individually and on behalf of  
C.S., a minor, et al.,

*Plaintiffs,*

v.

THE COMMONWEALTH OF VIRGINIA, et al.,

*Defendants.*

No. 3:22-cv-6-NKM

**DECLARATION OF ANDREW N. FERGUSON**

I, Andrew N. Ferguson, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am Solicitor General in the Office of the Virginia Attorney General. I am a member in good standing of the Virginia bar. I am admitted to practice in this Court.
2. I have compiled the information set forth below as well as the attached exhibits through personal knowledge and legislative and executive personnel who have assisted me in gathering this information and these materials. I make this declaration to place certain information and documents before in the Court in connection with the Plaintiffs' motion for temporary restraining order and preliminary injunction and the Defendants' motion to dismiss.
3. Attached as Exhibit A is the Affidavit of Kristen Barnett, obtained by email from Robert Luther III on February 14, 2022.
4. Attached as Exhibit B is the Affidavit of Colin Doniger, obtained by email from Robert Luther III on February 14, 2022.
5. Attached as Exhibit C is the Affidavit of Heather Yescavage, obtained by email from Robert Luther III on February 14, 2022.

6. Attached as Exhibit D is the Affidavit of Crystal Bailey, obtained by email from Crystal Bailey via Patti Menders, the Community Outreach Coordinator of the Virginia Office of Attorney General, on February 11, 2022.

7. Attached as Exhibit E is the Affidavit of Melissa Belt, obtained by email from Crystal Bailey via Patti Menders, the Community Outreach Coordinator of the Virginia Office of Attorney General, on February 10, 2022.

8. Attached as Exhibit F is Executive Order 2 (2022) (EO 2).

9. Attached as Exhibit G is Executive Order 79 (2021) (EO 79).

10. Attached as Exhibit H is the plaintiff school boards' Complaint in *Alexandria City Sch. Bd. v. Youngkin*, No. 22-224 (Arlington Cnty. Cir. Ct. Feb. 1, 2022).

11. Attached as Exhibit I is the Commonwealth's Memorandum of Law in *Alexandria City Sch. Bd.*

12. Attached as Exhibit J is the plaintiff parents' Complaint in *Barnett v. Loudoun Cnty. Sch. Bd.*, No. 22-546 (Loudoun Cnty. Cir. Ct. Feb. 14, 2022).

13. Attached as Exhibit K is the Commonwealth's Complaint in Intervention in *Barnett*.

14. Attached as Exhibit L is the Commonwealth's Memorandum of Law in *Barnett*.

15. Attached as Exhibit M is Plaintiffs' letter to Defendants demanding a statement that EO 2 would not be enforced, dated February 8, 2022.

16. Attached as Exhibit N is the Supreme Court of Virginia's unpublished order in *Castillo v. Youngkin*, Record No. 220033 (Feb. 7, 2022).

17. Attached as Exhibit O is the Centers for Disease Control's guidance, *COVID-19 Community Levels* (Feb. 25, 2022).

18. Attached as Exhibit P is the CDC's recent guidance, *Order: Wearing of Face Masks while on Conveyances and at Transportation Hubs* (revised Feb. 25, 2022).

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on February 28, 2022 in Richmond, Virginia.

/s/ Andrew N. Ferguson

ANDREW N. FERGUSON (Va. Bar #86583)